

SHORTHAND REPORTING

10/22/2013

FILED

Shane A. Tarraglo

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF COURT REPORTING

IN THE MATTER OF

CHRISTINA RESTUCCIA,

UNCERTIFIED OR REGISTERED TO
PRACTICE COURT REPORTING IN THE
STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER OF
DISCIPLINE

This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") following its review of a complaint filed with the administrative office of the Board concerning the court reporting services rendered by Fitzsimmons Reporting and Videoconferenceing ("Fitzsimmons Agency").

The Board has reviewed the complaint and other relevant documents on which the following findings of facts and conclusions of law are made:

FINDINGS OF FACTS

1. Respondent Christina Restuccia is not certified by the Board as a court reporter in the State of New Jersey. Neither is she registered by the Board as a Temporary Registered Reporter, as authorized by N.J.S.A. 45:15B-9(b).

2. On or about July 13, 2009, respondent was contacted by Fitzsimmons Agency which requested she accept a deposition assignment scheduled for the following day, July 14, 2009. Ms. Restuccia accepted the assignment.

3. The respondent appeared at the deposition and recorded the testimony. Later, she prepared a written transcript which contained a certification page. This page, among other things, identified Ms. Restuccia as a "Court Reporter of the State of New Jersey" and certified that the transcript was a true and accurate rendition of the testimony that was taken stenographically by her.

4. Ms. Restuccia appeared before the Board, on September 21, 2009, at an investigative inquiry without legal counsel. She testified that she had worked for Fitzsimmons Agency for eight (8) years and had recorded, and prepared transcripts for, more than a hundred depositions per year. During her testimony, she admitted that she was not certified by the Board to practice court reporting in this State. Additionally, she testified that she was not registered as a temporary registered reporter.

CONCLUSIONS OF LAW

1. Respondent's conduct as detailed above appears to the Board, and Ms. Restuccia admitted, that she engaged in the

uncertified practice of court reporting beginning in or about 2001, in violation of N.J.S.A. 45:15B-9(a). Specifically, Ms. Restuccia admitted, and information has been submitted which indicated, that she has performed court reporting services for compensation since 2001 and is not, to date, certified by the Board to engage in the court reporting profession.

2. Respondent admitted that she has not, beginning in July 2009 to date, registered with the Board as a temporary registered reporter as required by N.J.S.A. 45:15B-9(b).

3. The Board finds that the respondent's conduct of engaging in the practice of court reporting despite failing to satisfy the requirements for certification to practice court reporting, and/or to register as a temporary registered reporter until so certified by the Board, constitutes grounds for sanction pursuant to N.J.S.A. 45:1-18.2, N.J.S.A. 45:1-25 and N.J.S.A. 45:15B-9.

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which provisionally imposed a cease and desist directive and a civil penalty totaling \$500.00, was entered on April 19, 2013, and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry

unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

As indicated above, the Provisional Order was issued to the respondent, on or about April 19, 2013, via certified and regular mail, to her last known address:

351 North Drive #72
North Plainfield, New Jersey 07060

Sometime thereafter, the copy of the Provisional Order forwarded to Ms. Restuccia, at the address cited above, via certified mail was returned marked "attempted not known." However, the regular mail sent to this address was not returned. On or about May 7, 2013, another copy of the Provisional Order was sent, via regular mail, to the respondent's last known place of employment. This mailing was not returned. The Provisional Order was to Ms. Restuccia in care of:

Fitzsimmons Reporting Services
570 West Mount Pleasant Avenue
Livingston, New Jersey 07039

Hence, to date, Ms. Restuccia has not responded to the April 19, 2013 Provisional Order.

The Board reviewed the entire record in this matter at its September 16, 2013 meeting. Following its consideration of this matter, the Board concluded that it had met its obligation of service by mailing of the proper documents to Ms. Restuccia's last known address as well as her last known place of employment. Additionally, the Board concluded that, despite its finding that proper service had been effectuated, the respondent had admitted, and information had been submitted which indicated, that she had performed court reporting services for compensation since 2001 and is not, to date, certified by the Board to engage in the court reporting profession. Moreover, the Board concluded that the respondent admitted that she has not, beginning in July 2009 to the present registered with the Board as a temporary registered reporter, as required by N.J.S.A. 45:15B-9(b).

As a result of its' findings detailed above, the Board found that Ms. Restuccia had failed to provide any compelling reasons why the preliminary findings detailed in its April 19, 2013 Provisional Order should be vacated or modified in any way. Finally, the Board determined that further proceedings were not necessary and that no material discrepancies had been raised.

Thereafter, the Board voted to finalize the Provisional Order with no modifications.

ACCORDINGLY, IT IS on this 13 day of SEPTEMBER 2013

ORDERED that:

1. Respondent, Christina Restuccia shall immediately cease and desist from engaging in the practice of court reporting in the State of New Jersey until and unless she is certified as a court reporter by the Board or until such time as she is registered by the Board as a temporary registered reporter, as permitted by N.J.S.A. 45:15B-9(b).

2. The respondent shall pay a civil penalty in the amount of \$500.00, for engaging in the uncertified practice of court reporting, contrary to N.J.S.A. 45:15B-9(b). Payment of this penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the Board of Court Reporting, to the attention of Dianne L. Tamaroglio, Executive Director of the Board, at 124 Halsey Street, Post Office Box 45019, Newark, New Jersey 07101 contemporaneously with the entry of the Final Order of Discipline.

NEW JERSEY STATE BOARD
OF COURT REPORTING

By: _____


JEAN DOLAN C.C.R.
Vice-President